



IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

RECEIVED

Jan 4. 2012

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01-04-2012

THOMAS G. BRUTON
CLERK, U.S. DISTRICT COURT

United States of America ex rel.

Darrin Wayne Shatner-#B42950

(Full name and prison number)

(Include name under which convicted)

PETITIONER

vs.

Mike Atchison, warden

(Warden, Superintendent, or authorized
person having custody of petitioner)

RESPONDENT, and

(Fill in the following blank only if judgment
attacked imposes a sentence to commence
in the future)

ATTORNEY GENERAL OF THE STATE OF

(State where judgment entered)

12 C 0047

Judge George M. Marovich

Magistrate Judge Jeffrey T. Gilbert

Case Number of State Court Conviction:

91-CR-2026

PETITION FOR WRIT OF HABEAS CORPUS – PERSON IN STATE CUSTODY

1. Name and location of court where conviction entered: The Circuit Court of Cook
County, Criminal Division
2. Date of judgment of conviction: May 17, 1993
3. Offense(s) of which petitioner was convicted (list all counts with indictment numbers, if known)
Murder, Armed Robbery, & Arson
4. Sentence(s) imposed: Death
5. What was your plea? (Check one)

(A) Not guilty	(X)
(B) Guilty	()
(C) Nolo contendere	()

If you pleaded guilty to one count or indictment and not guilty to another count or indictment, give details:

Revised: 7/20/05

PART I – TRIAL AND DIRECT REVIEW

1. Kind of trial: (Check one): Jury (☒) Judge only ()
2. Did you testify at trial? YES (☒) NO ()
3. Did you appeal from the conviction or the sentence imposed? YES (☒) NO ()

(A) If you appealed, give the

- (1) Name of court: The Supreme Court of Illinois
(2) Result: Conviction & Sentence were Affirmed
(3) Date of ruling: September 19, 1996
(4) Issues raised: Ineffective Assistance of Counsel, Waiver of rights to be sentenced by a jury, Constitutional violations relating to evidence entered in error, i.e. gang membership, practicing of religion, drug history not being weighed in mitigation, no space
(B) If you did not appeal, explain briefly why not: for the rest of the issues.

4. Did you appeal, or seek leave to appeal, to the highest state court? YES (☒) NO ()

(A) If yes, give the

- (1) Result: Conviction & Sentence Affirmed
(2) Date of ruling: September 19, 1996
(3) Issues raised: Same issues as stated in line A-4, including invalid defense, Trial Counsel's ineffectiveness in not putting the State's case to a true adversarial test at sentencing, as well as other sentencing errors.

(B) If no, why not: _____

5. Did you petition the United States Supreme Court for a writ of *certiorari*? Yes (☒) No ()

If yes, give (A) date of petition: 3-3-1997 (B) date *certiorari* was denied: May ? 1997

PART II – COLLATERAL PROCEEDINGS

1. With respect to this conviction or sentence, have you filed a post-conviction petition in state court?

YES (☒) NO (☐)

With respect to *each* post-conviction petition give the following information (use additional sheets if necessary):

- A. Name of court: The Circuit Court of Cook County, Criminal Division
- B. Date of filing: January 20, 2006
- C. Issues raised: Ineffective assistance of counsel, Speedy trial violation
Mitigation for new sentencing

- D. Did you receive an evidentiary hearing on your petition? YES (☐) NO (☒)

E. What was the court's ruling? _____

F. Date of court's ruling: _____

- G. Did you appeal from the ruling on your petition? YES (☒) NO (☐)

H. (a) If yes, (1) what was the result? Dismissal Affirmed

(2) date of decision: December 21, 2010

(b) If no, explain briefly why not: _____

- I. Did you appeal, or seek leave to appeal this decision to the highest state court?

YES (☒) NO (☐)

(a) If yes, (1) what was the result? Leave to Appeal was Denied

(2) date of decision: September 28, 2011

(b) If no, explain briefly why not: _____

2. With respect to this conviction or sentence, have you filed a petition in a **state court** using any other form of post-conviction procedure, such as *coram nobis* or habeas corpus? YES () NO (☒)

A. If yes, give the following information with respect to each proceeding (use separate sheets if necessary):

1. Nature of proceeding _____
2. Date petition filed _____
3. Ruling on the petition _____
4. Date of ruling _____
5. If you appealed, what was the ruling on appeal? _____
6. Date of ruling on appeal _____
7. If there was a further appeal, what was the ruling? _____
8. Date of ruling on appeal _____

3. With respect to this conviction or sentence, have you filed a previous petition for habeas corpus in **federal court**? YES () NO (☒)

A. If yes, give name of court, case title and case number: _____

B. Did the court rule on your petition? If so, state

(1) Ruling: _____

(2) Date: _____

4. With respect to this conviction or sentence, are there legal proceedings pending in any court, other than this petition? YES () NO (☒)

If yes, explain: _____

BEFORE PROCEEDING IN THE FEDERAL COURT, YOU MUST ORDINARILY FIRST EXHAUST YOUR STATE COURT REMEDIES WITH RESPECT TO EACH GROUND FOR RELIEF ASSERTED.

(A) Ground one: Mr. Shatner, was denied the right to effective assistance of counsel under the Sixth and Fourteenth Amendments where his trial counsel failed to file a meritorious motion to dismiss all charges based on on the State's failure to bring Mr. Shatner to trial in a timely manner as required by Statute under the Speedy Trial Provisions.

Supporting Facts:

Mr. Shatner, was not tried within 120 days of his arrest. Mr. Shatner was arrested out of state and was returned to the state of Illinois. At this time 725 ILCS 5/103-5 was in full effect and required a trial of a person in custody within 120 days. The Statute, unlike the current one, did not require the Defendant to expressly demand trial and instead placed the onus on the court and the state to see to it that the 120 day rule was not violated. This was the law of the land in Illinois during the time in question of this there is no dispute.

From October 25, 1990 till February 1, 1991 a period of 99 days, Mr. Shatner, was in custody, (the record is clear on this issue) however he was not taken to court, even though at no time did he agree to any type of a continuance. That delay must be subtracted from the 120 day statutory limit. So as of February 1, 1991, only 21 days remained on the 120 day Speedy Trial term. On February 1, 1991, The State conceded it was not prepared to proceed with Mr. Shatner's bond hearing, at this point the Court suggested a continuance to March 7, 1991 at which point Defense Counsel responded "Thank you". Defense Counsel did not state this continuance was by agreement, the record does not indicate it was by agreement and it was not Mr. Shatner's fault that the State was not prepared to proceed. So the case was continued to March 7, 1991, another 35 days. Now with those 35 days added to the already exhausted 99 days that is 134 days Mr. Shatner had been in custody with out being brought to trial. This well exceeds the 120 day limit set by

Statute, as defined by 725 ILCS 5/103-5. This in its self mandated a dismissal of all charges brought against Mr. Shatner however this was not done, and the constitutional violations continued. On March 7, 1991, the case was again continued without a bond hearing and nothing of substance being discussed. A continuance was granted with no expressed agreement by Defense Counsel or Mr. Shatner himself. the new date was now April 4, 1991, another 25 days. The same holds true for the continuances issued on May 2, 1991, May 20, 1991, and on May 30, 1991, adding yet another 32 days to the unconstitutional delay in bringing Mr. Shatner to trial. The continuances continued all without Defense Counsel or Mr. Shatner expressly agreeing to the continuances that were being set. In total 228 days elapsed delaying Mr. Shatner being brought to trial that can not be attributed to Mr. Shatner. Had Mr. Shatner's Trial Counsel been effective in his duties to Mr. Shatner, he would have filed a Motion to Dismiss all charges against Mr. Shatner, a motion of which the record is exceedingly clear on as a matter of law would have to have been granted and all charges would have to have been dismissed. It is truly unconstitutional and a huge miscarriage of justice to punish Mr. Shatner, for the errors committed by the State and the Court.

The Illinois Appellate Court, in dismissing this claim, made unreasonable findings of fact and unreasonably applied State and Federal law in concluding that Mr. Shatner was not deprived of effective assistance of Trial Counsel. The Illinois Appellate Court likewise made unreasonable findings of fact and unreasonably applied clearly established State and Federal law in affirming the dismissal of this claim. A clear violation of Mr. Shatner's Constitutional rights.

(B) Ground two: Mr. Shatner's 14th. Amendment Due Process constitutional rights were violated when the Trial court refused to grant Mr. Shatner relief requested when he a valid constitutional challenge to his sentence. That had all the proper mitigation been presented at sentencing Mr. Shatner would not have received the sentence of DEATH. Or natural life, but years.

Supporting Facts:

Mr. Shatner stands convicted of murder where there is one victim. The record does not clearly establish that Mr. Shatner committed this crime but rather was part of the robbery he had no idea that the victims life was in danger. Had Mr. Shatner, been afforded a full and complete sentencing hearing where all his evidence in Mitigation had been fully presented and explored, Mr. Shatner believes he would not have been sentenced to DEATH. This was his first adult conviction. He was a teenager at the time of the offense. Life or death were not the only sentences available to the Trial Court and for said Trial Court to now say that it's hands are tied on the issue of sentence because of the blanket Executive order commuting of all DEATH sentences in Illinois. This is not a question of the State trying to revoke a Executive order, but rather Mr. Shatner, requesting review of the fact that his Death sentence was unconstitutional, furthermore what the Governor did in no way bar Mr. Shatner from seeking review of his constitutional rights having been violated. Mr. Shatner is not challenging if the Death Penalty was constitutional at the time he was sentenced, but rather that his hearing for said sentence was unconstitutional when his Due Process rights were violated.

The Illinois Appellate Court, in dismissing this claim, made unreasonable findings of fact and unreasonably applied State and federal law in concluding that Mr. Shatner's constitutional Due Process rights were not violated. The Illinois Supreme Court likewise made unreasonable findings of fact and unreasonably applied clearly established State and federal law in affirming the dismissal of this claim. A clear violation of mr. Shatner's Constitutional rights.

(C) Ground Three: That Mr. Shatner received ineffective assistance of Trial Counsel when Trial Counsel failed to conduct a meaningful investigation with respect to Mitigation evidence thus depriving Mr. Shatner of his Sixth and Fourteenth Amendment rights.

Supporting Facts:

Mr. Shatner's Trial Counsel failed to conduct even the minimalist of a meaningful investigation into the mitigating factors that existed. The following mitigating factors were omitted from Mr. Shatner's sentencing hearing and had they been presented the outcome would have been different in so much that Mr. Shatner believes that he would not only have been sentenced to death but he would have received a sentence within the statutory limit of 20 to 40 years in the Illinois Department of Corrections. There was a Social Worker investigation report prepared for the Circuit Court of Cook County in 1979, which included relevant mitigating information evidence. The report noted that by the age of of twelve, Mr. Shatner, had severe emotional problems stemming largely from his abusive and disinterested parents. He was placed in eleven schools in six years. As this report noted, Mr. Shatner's mother often hit him for no apparent reason and his parents argued constantly. The author of the report believed Mr. Shatner's sever emotional problems required treatment but his parents effectively prevented any such treatment. The following year in 1980 and second report was prepared for the Juvenile Court and again the author noted, " That this young man should be in therapy..." However Mr. Shatner's mother did not seem to interested in getting involved in therapy, and his father flat out did not want to get involved in therapy at all. The same report noted that Mrs. Shatner, frequently slapped Mr. Shatner, who weighed all of 100 pounds at the time. Mr. Shatner's father was a drunk, and he lived in in constant fear of him. Mr. Shatner never received any of the parental support that a growing child needs to be able to develop in to a emotionally stable teenager, and on to adulthood. Mr. Shatner, felt extremely insecure and inadequate. It was "Obvious" to the probation officer that Mr. Shatner had severe "emotional problems" traceable directly to his home environment. Even though they were made aware of the problems their son was having, Mr. Shatner's, parents remained unconcerned and unwilling and flat out refused to participate in treatment for their son thereby making everything worse, for Mr. Shatner.

That same year 1980, a school evaluation was prepared and the report included more mitigation evidence that Trial Counsel never even attempted to locate and therefore this evidence was not introduced at Mr. Shatner's sentencing hearing. Thus depriving Mr. Shatner, of his Due process rights to effective assistance of counsel. The aforementioned report concluded that, "He (Mr. Shatner) needs the structure and supervision that is not being achieved at home". The author of the report believed that Mr. Shatner was "at the age when a channeling or redirecting of some of his drives can be achieved." Mr. Shatner's parents, however refused to come to grips with their son's behavior and instead continued to physically and psychologically abuse Mr. Shatner. Another 1980 school report likewise reported that Mr. Shatner's emotional and school problems were linked to his parents abusive behavior, their stormy marriage, and their utter lack of parental support. When Mr. Shatner was able to receive such support as one would expect a child to receive from his parents, he responded well. This is noted in an April 6, 1982, report that Trial Counsel failed to present, the staff where Mr. Shatner, was in school, then thirteen years old, reported that his "behavior has improved dramatically." The report also noted that he was "more realistic," "more honest and sincere," and that his behavior was "mature". By age thirteen, Mr. Shatner was so abused physically and emotionally by his parents that he could not even sleep in his bed. He hid under beds or in closets to escape their abuse. Another report chronicled Mr. Shatner's problems and how those problems were traceable directly to his parents and their indifferent, irresponsible and psychologically abusive and absent behavior.

Furthermore Mr. Shatner's Trial Counsel was grossly ineffective in not presenting Mr. Donald Adair, Mr. Shatner's paternal grandfather, who would have testified that Mr. Shatner, was constantly abused by both parents. Mr. Adair, recalled one incident in particular when Mr. Shatner's mother had gotten angry with him, for some reason and **TOOK HIS HEAD AND BANGED IT AGAINST A STREET POLE.** Trial Counsel further failed to be effective when he failed to present evidence that Mr. Shatner was often left unattended with "Uncle Pat" who proceeded to sexually molest Mr. Shatner. This conduct continued for years

while Mr. Shatner was very young between three and eight years old. Mr. Shatner's parents were well aware of Uncle Pat's sexual abuse, however they continued to leave Mr. Shatner with him for extended periods of time.

Yet continuing Trial Counsel's utter failure in the sentencing phase is highlighted by his failure to call mitigation witnesses that would have testified to the following. That Mr. Shatner had suffered from chronic, and sever headaches from a very early age. These headaches were so intense that he would sit holding his head crying for hours. Mr. Shatner's early glue sniffing was to relieve the pain of these headaches as well as to escape the physical and psychological abuse that permeated his home. Mr. Shatner, also has a long and well documented history of seizures, high fevers, chronic intense headaches, and head injuries. All of these contributed to his early drug use, to relieve his physical pain yet Mr. Shatner's Trial Counsel failed to provide this evidence during sentencing, although the conduct of Mr. Shatner's was grossly ineffective at his sentencing hearing it was compounded and made all that more tragic because Mr. Shatner, was facing the DEATH PENALTY, a sentence if gotten wrong there is a very real chance that a person could be put to DEATH and not be deserving of such a punishment. In a report authored by Dr. Harvey E. Gunn, Psychologist, concluded that: There is much evidence to suggest that Mr. Shatner, did not have any intent to commit murder when the crime took place. Given his personality if he if he allowed the the lady he was with to initiate him into intravenous drugs, he would not have been aware of what was taking place. Mr. Shatner's description of being dominated by the lady present fits his personality as seen during this examination of Mr. Shatner. He has massive dependency needs and great identity confusion.... Considering his lifetime of abuse it would have been very easy for a female to have control over him and to direct him into negative behavior.

Mr. Shatner's Trial Counsel further failed him when he failed to interview the following witnesses, Janet Claar, Sam Lawando, and Shirley Faitz. Had the following people been called during the sentencing phase of Mr. Shatner's trial they would

have testified to the following. Janet Claar, would have testified that Mr. Shatner, and a woman named Jean needed a place to stay. Mr. Shatner told Ms. Claar that he was scared and worried about what was going to happen, but was unable to tell her why. Later when she was alone with Jean Rogoz, Jean told her that there was this guy that she despised and that she wanted to take as much of his drugs and property as she could. According to Ms. Claar, Jean Rogoz stated that when she couldn't find any drugs at his place, she hit him over the head with a lamp a couple of times. They tied the guy up and then Mr. Shatner, went to the living room to get the VCR. At that point, Jean Rogoz set the bedroom on fire. Jean admitted to Ms. Claar, that it was she (Jean Rogoz) who talked Mr. Shatner into taking part in the crime, she did this for him to protect her and get the VCR. Mr. Shatner and Jean Rogoz, stayed overnight and the following day Ms. Claar's boyfriend Sam drove Jean Rogoz and Mr. Shatner to Jean's brother's residence so she could get some money. Furthermore Ms. Claar would have testified that Mr. Shatner, & Ms. Rogoz, spent a couple of days with her and her then boyfriend Sam Lawando. That at no time was Ms. Rogoz detained against her will, nor did she appear to be in any distress. A full and complete copy of Ms. Claar's Affidavit is included as part of Exhibit #1.

Mr. Lawando could have testified to the following. in part but not verbatim. He would have said that during the time that Mr. Shatner and Ms. Rogoz stayed with him and Ms. Claar, Mr. Shatner & Ms. Rogoz, did not behave aggressively or argue with one another for the three or four days they stayed there, and it was his impression that she was not in any distress or being held against her will. At one point Mr. Lawando drove Mr. Shatner, & Ms. Rogoz to the business of Mr. Shatner's father to get some money. Afterwards Ms. Rogoz, had Mr. Shatner & Mr. Lawando, stay in the car while she went to meet someone. Ms. Rogoz returned a few minutes later. It was the belief of Mr. Lawando that Ms. Rogoz was with Mr. Shatner of her own free will. Mr. Lawando's complete Affidavit is contained in Exhibit #1.

Ms. Shirley Faitz could have testified to the following in part but not verbatim. That on September 1, 1986

she moved into a building owned by Mr. Shatner's mother, that for at least a week after she moved in Mr. Shatner and a young blond lady (Ms. Rogoz) came to her apartment on several occasions and appeared to be high. The blond lady appeared to be there of her own free will and if she wanted to leave she had many opportunities to do so. Mr. Shatner & Ms. Rogoz appeared to be boyfriend and girlfriend, getting along for approximately two to three weeks after Ms. Faits moved into the apartment. Ms. Faits' complete Affidavit has been included in Exhibit #1. All three of the above mentioned people, Ms. Claar, Mr. Lawando, and Ms. Faits, were all ready and willing to testify of Mr. Shatner's behalf but none were contacted by his attorney. Where Mr. Shatner's life hung in the balance this level of effort and representation on the part of Mr. Shatner's Trial Counsel woefully fell below the standards as defined as effective representation. Thus Mr. Shatner was denied protection granted to him by the U.S. Constitution.

The Illinois Appellate Court in dismissing this claim made unreasonable findings of fact and unreasonably applied clearly established Federal Law. The Illinois Supreme Court likewise made the same unreasonable findings of fact and unreasonably applied clearly established federal Law in affirming the the dismissal of this claim.

(D) Ground #4 Mr. Shatner, was denied his constitutionally guaranteed right to effective assistance of Counsel, under the the Sixth Amendment or the Illinois Constitution, where his Trial Counsel presented an invalid, inadequate, & irresponsible defense. Although, asserting a lack of intent to kill or having any participation in the murder. The jury was left with no choice but to find Mr. Shatner, guilty of Felony Murder. This fully negated and rendered his plea of Not Guilty void and illusory, therefore denying Mr. Shatner, of his right to an adversarial, fair, trial by jury.

Support Facts:

It is well established that trial strategy is a issue that will not be view or second guessed by a reviewing court. However when such a strategy utterly fails to provide any type

of a meaningful adversarial process it can not be considered sound trial strategy. In this case that is just what happen. Mr. Shatner's Trial Counsel utterly failed him, by putting forth a defense that guaranteed not only that he would be found guilty of felony murder but all but guaranteed that he would be found eligible for the death penalty. The defense theory of this case as conveyed by Mr. Shatner's Trial Counsel in the opening statement of the trial stated that Mr. Shatner did not come up with the idea to commit robbery, and that Mr. Shatner had did all he could to stop Ms. Rogoz from beating the victim with a lamp. At the close of the guilt-innocence phase of the trial, Mr. Shatner's Trial Counsel argued that Mr. Shatner was not guilty of the murder, and at most he was guilty of committing robbery, this simple statement by Trial Counsel sealed the fate of Mr. Shatner. The jury was duty bound to find Mr. Shatner guilty of felony murder, because it is well established that one need not in anyway have to take physical part in the murder but only be guilty of a underlying felony that meets the standard in this case that was robbery, and Trial Counsel basically served Mr. Shatner, up on a silver platter for the jury! Mr. Shatner was denied his most basic fundamental United States Constitutional protection that being the right to effective counsel that will put the State's case to a true adversarial test. This did not happen in this case, although the Counsel seated with Mr. Shatner was called his Defense Counsel in truth it was like Mr. Shatner, had a State Attorney seated next to him during trial. Trial Counsel's actions made Mr. Shatner's claim of innocence null and void! Even the Trial Court noted during sentencing that Mr. Shatner's statements convicted him of felony murder. Trial Counsel's defense strategy that Mr. Shatner, was only guilty of the robbery was no defense at all but rather acted as seemed to be acting as a agent for the prosecution. The odds in this case were so stacked against Mr. Shatner, he most likely would have fared much better had he just waived his right to a trial and plead guilty, the outcome could not have been any worse, considering the actions of Mr. Shatner's Trial Counsel.

The Defense that Mr. Shatner, received was tantamount to no defense at all. Even when no theory of a defense is available

if the decision to stand trial has been made, Counsel must hold the Prosecution's case to the heavy burden of proving a defendant guilty beyond a reasonable doubt. Granted it is established that since Mr. Shatner is alleging a deprivation of his Sixth Amendment right to effective assistance of counsel he must meet the two pronged test as set out in Strickland -v- Washington (1) showing that Trial Counsel's performance was deficient, and (2) that he was prejudiced by Trial Counsel's deficiencies. However in some limited circumstances prejudiced need not be and will be presumed if counsel completely fails to act as an advocate by failing to subject the Prosecution's case to a meaningful adversarial testing. This is such a case where Mr. Shatner's Trial Counsel to protect his rights or offer a valid defense. In this case one of two conclusions can be drawn either Mr. Shatner's, Trial Counsel was incompetent and unskilled in criminal law enough to know what the definition of felony murder is or Trial Counsel was working in league with the prosecution. Mr. Shatner, is unable to give any other type of explanation to explain the actions of his Trial Counsel. Furthermore there are a number of cases at both the State and Federal level that have had raised an issue like the one that Mr. Shatner, is raising here, and they have found over and over again that a new trial was warranted. On this ground as well as all grounds in this Petition Mr. Shatner, prays this Honorable Court takes into account that he is not a attorney, has limited schooling and is doing the best he can to following the guidelines set out to file his Petition.

The Illinois Supreme Court in dismissing this claim, made unreasonable findings of fact and unreasonably applied clearly established State and Federal law.

(E) Ground #5

Mr. Shatner, was denied hie right to the effective assistance of Trial Counsel, under the Sixth Amendment and the Illinois Constitution. Mr. Shatner's Trial Counsel, failed to subject the Prosecution's case that was presented to determine if Mr. Shatner, was in fact eligible for the Death Penalty. Trial Counsel failed to put this phase of the proceedings to a true

adversarial test. and utterly failed advocate against a finding of eligibility for the Death Penalty. Thereby virtually conceding to eligibility. In violation of the right to an adversarial and fair sentencing hearing under due process and the Sixth and Eighth Amendments.

Supporting Facts:

During the eligibility phase of the capital sentencing hearing, Trial Counsel declined to make an opening statement, Trial Counsel presented no evidence, and made no argument against a finding of eligibility for the Death Penalty. The State similarly declined to make an opening statement. However did call one witness to testify as to Mr. Shatner's date of birth, and introduced his birth certificate and the jury verdicts of Mr. Shatner's convictions for murder, & armed robbery. The State then rested without making an argument. The Court then found Mr. Shatner eligible for the Death Penalty. During the Mitigation & Aggravation stage of the hearing Trial Counsel remarked that Mr. Shanter, was eligible for the Death Penalty because of the felony murder rule. This was a misstatement and grave error on the part of Mr. Shatner's Trial Counsel. To be eligible under section 9-1(b) (6), 720 ILCS 5/9-1 (b) (6) a defendant must have acted with the intent to kill the murdered individual or with knowledge that his acts created a strong probability of death or great bodily harm to the murdered individual... (720 ILCS 5/9-1(b) (6) (b), as the statute makes clear, the statutory aggravating factor necessary to impose the Death Penalty, is not proved by a conviction of felony murder alone. A culpable mental state must be proven beyond a reasonable doubt. This was not done at Mr. Shatner's eligibility hearing. Therefore Mr. Shatner, was denied his Constitutionally protected rights. It has been held that a new Death Penalty hearing was required when Trial Counsel erroneously believed that a felony murder conviction alone, without proof of a culpable mental state, supported capital eligibility. Mr. Shatner wishes to remind this Honorable Court of facts previously mentioned in this Petition, that relate to Mr. Shatner's drug use, and his family life growing up, as well as his mental state on the day of the crime in question. Therefore had Mr. Shatner's Trial

Counsel performed his duties as required and expected of him not only by the United States Constitution but by the Illinois Constitution, and the Cannon Rules governing the proper conduct of attorneys, and put forth the effort required there is a strong probability that Mr. Shatner, would have been found NOT eligible for the Death Penalty. Now the State has argued that since Governor George Ryan has commuted Mr. Shatner's Death sentence to Life that this issue is now moot. Mr. Shatner, takes issue with because had Mr. Shatner's trial Counsel provided effective assistance he stood a high probability of never receiving a Death sentence. So Mr. Shatner, prays that this Honorable Court will review this issue as if the actions of Governor Ryan had not occurred, and review the actions of his Trial Counsel, in regards to had Mr. Shatner, received effective assistance would he still have been found eligible for the Death sentence. Mr. Shatner's trial Counsel did not contest eligibility because he believed that Mr. Shatner, was automatically eligible for the Death Penalty solely because of the felony murder conviction. There can be no other explanation for Trial Counsel's position because at the guilt/innocence stage, Trial Counsel contended that Mr. Shatner did not have a culpable mental state as he never intended to kill the victim and did not commit the murder. Trial Counsel even invited the jury to hold an inquiry into the state of mind of Mr. Shatner. Thus it would seem that Trial Counsel was contesting the existence of a culpable mental state at the guilt/innocence stage. Furthermore Trial Counsel utterly failed to act as Mr. Shatner's advocate at the eligibility stage thus violating Mr. Shatner's rights under the Sixth and fourteenth Amendments of the United States Constitution and Article One Section Eight of the Illinois Constitution. The eligibility stage of a capital sentencing hearing is the equivalent of a trial. The State is required to prove the existence of a statutory aggravating factor beyond a reasonable doubt. When it comes to admitting evidence the rules are the same as that of a criminal trial. A defendant has the right to call witnesses, and cross examine the witnesses called by the prosecution. Trial Counsel must hold the prosecution to its high burden of proof and perform in an adversarial capacity,

unless Mr. Shatner, had chose to concede his eligibility. If Trial Counsel had intended to concede the issue of eligibility the he was required to make it clear on the record that this was what Mr. Shatner, had agreed to. There is no such record of this occurring. Mr. Shatner, did not concede to the fact that he was eligible for teh Death Penalty, in fact to this very day Mr. Shatner, contends that he was in fact not eligible to receive the Death Penalty. Therefore the record is clear that Mr. Shatner's Trial Counsel acted in a manner that was not only grossly ineffective but appears on the face of the record that he was in fact acting as a agent of the State. There is no question that something went extremely wrong during this stage of the proceedings, and had as Mr. Shatner, contends was he provided with effective Trial Counsel, he would not have been found eligible for the Death Penalty, there by he would not have been on death row when the Governor took the action he did thus Mr. Shatner, would not now be serving a natural life sentence but rather a determinant number of years. That is why this issues cries out to be heard, because of the error that is clear by the record, Mr. Shatner, is entitled to a new eligibility hearing, because of the failings of his Trial Counsel and Mr. Shatner, is sure at a full and complete hearing where he has effective counsel he will NOT BE FOUND ELIGIBLE for the Death Penalty, and therefore will have to be re-sentenced by the Trial Court.(when death eligable life is the only other sentence)

In dismissing this claim the Illinois Supreme Court made an unreasonable finding of fact and unreasonably applied clearly established State and Federal law, and the protections guaranteed to Mr. Shatner, by the United States Constitution and the Constitution of the State of Illinois.

(F) Ground #6

Mr. Shatner, was denied his right to confront and cross examine the Prosecution's witness over her prior inconsistent statement. Thus prejudicing Mr. Shatner, of his Constitutionally protected right to a fair trial. The Trial Court erred when it prevented the complete cross examination of MS. Rogoz, a clear Due Process violation.

Supporting Facts:

During cross examination of the State's main witness, Jean Rogoz, Trial Counsel attempted to refresh her recollection of a prior statement made to Detective McLaughlin, by showing her a copy of the Detective's report. The State objected and the Court sustained the objection. This was an error. It is not known for sure what the Court was thinking when it sustained the State's objection. However what is clear is the intent of Mr. Shatner's, Trial Counsel, and that was to use the afore mentioned Detectives report to refresh Ms. Rogoz's memory which is well within the rules of evidence. Mr. Shatner would ask this Honorable Court to allow him to quote the relevant part from the handbook of Illinois Evidence (6th. Ed. 1994), Sec. 612.1 Pg. 503: in where it states: "A witness may refresh her memory by referring to a document while testifying when unable to recall relevant facts. (Citation) The document itself need not be admissible in evidence; all that is required is for the witness to state the facts from her own recollection after inspecting it. (Citation) The memorandum need not have been prepared by the witness, or at her direction. (Citation) The document need not have been made at or near the time of the event. (Citation) Thus anything may be used for this purpose, the only question being whether it genuinely is calculated to revive the witness's recollection." That is just what Mr. Shatner's Trial Counsel was attempting to do when The Court cut short his cross examination of Ms. Rogoz. This is a clear violation of Mr. Shatner's, United States and the State of Illinois Constitutional rights. Mr. Shatner, had a Constitutionally protected right to cross examine Ms. Rogoz concerning any matter that goes to explain, modify, or discredit what she testified to on direct examination. No specific showing of prejudice is required, because Mr. Shanter has been denied his Constitutionally protected right to a effective cross examination, this is a Constitutional error of the first magnitude, and no amount of showing of want of prejudice would cure it.

There was prejudice however, not only was Mr. Shatner's Trial Counsel prevented to cross examine Ms. Rogoz to obtain an admission, but he was unable to show the jury how her demeanor would have changed had she been forced to testify truthfully. Mr. Shatner's Constitutionally protected rights were violated by the Trial Court because the Trial Court prevented Mr. Shatner's Trial Counsel from confronting Ms. Rogoz, who's credibility was crucial, and Trial Counsel's attempt to impeach Ms. Rogoz was clearly frustrated by the Trial Court.

The Illinois Supreme Court made unreasonable findings of fact and unreasonably applied clearly established Federal and State law in concluding that Mr. Shatner was not entitled to relief on Ground #6

(G) Ground #7

Mr. Shatner's waiver of his right to have a jury determine if he should be sentenced to Death was invalid, Mr. Shatner's Jury waiver was not knowing and intelligent because the Trial court failed to properly admonish him to the fact that his life could be spared by just one Jury member voting to NOT sentence him to Death.

Supporting Facts:

Trial Counsel advised the Court that he had informed Mr. Shatner of his rights to be sentenced by a jury. The Trial Court, informed Mr. Shatner, that the State was seeking the Death Penalty and that he had the right to have a jury determine if he should be sentenced to Death or not. This was not a proper admonishment by the Trial Court where a man's life hung in the balance. Illinois law provides that if but one jury member chooses to not impose Death the Defendant is spared. Courts at all levels both Federal and State across the Nation have continually held that the Sixth Amendment requires that a Jury waiver be knowing, intelligent, & and voluntary. This fully applies to the State of Illinois when it comes to Death penalty hearings. In this case Mr. Shatner's Trial Counsel claims to have advised that he explained everything to Mr. Shatner concerning the Jury waiver. however the Trial Court did not

the little time that would have been needed to properly admonish Mr. Shatner, but rather relied on his Trial Counsel. Now as Mr. Shatner, has already pointed out and will point out further in this Petition that it appears from the record that his Trial Counsel was attempting to get this all over with as soon as possible, and it is well established that having to have a Jury determine Mr. Shatner's fate would have added much more work for his Trial Counsel, and since Mr. Shatner's, Trial Counsel took his own life several years ago we will never know. However it was the Trial Court's responsibility to protect Mr. Shatner's Constitutionally guaranteed rights and it failed to do so. Since the Trial Court did not take the time to properly admonish we will never know what Mr. Shatner knew for certain. Thus with the record being silent on this issue, Mr. Shatner, prays that this Honorable Court will now protect his Constitutional rights and rule the Jury waiver void and order a new sentencing hearing. Furthermore Mr. Shatner contends that this issue is not moot as the State may suggest because it must be viewed in light of what happened at the time, not in light of what Governor Ryan did as he left office.

The Illinois Supreme Court made unreasonable findings of fact and unreasonably applied clearly established Federal and State law and protections guaranteed under the United States and State of Illinois Constitutions, in ruling that Mr. Shatner was not entitled to relief sought.

(H) Ground #8

Mr. Shatner, was denied his right to Due Process to a fair sentencing hearing as well as his First Amendment right of free association, by the State's introduction of his alleged membership in a gang. Where there was nothing connecting that alleged membership to the offense in the case at bar, and where the evidence of alleged gang membership was extremely prejudicial to Mr. Shatner. (petitioner maintains that he is not in a gang!)

Supporting Facts:

During the direct examination of Mr. Benjamin Liu at Mr. Shatner's sentencing hearing the Prosecution elicited testimony concerning Mr. Shatner's, alleged gang affiliation. This clearly

violated fundamental fairness and due process of law where the probative value of such evidence is greatly outweighed by the prejudice to Mr. Shatner, from its admission. The introduction of prejudicial evidence at a State criminal trial violates the Constitution if it so infused the trial with unfairness as to deny due process of law. This was the case with Mr. Shatner's sentencing hearing. Nothing concerning Mr. Shatner's gang affiliation had anything to do with the crime he stands charged with. Therefore there was not probative value. This evidence was highly prejudicial considering how street gangs are viewed by the public as a whole and even more so by the people of Chicago. Our own United States Supreme Court has held that a person's right to associate with a gang is Constitutionally protected under the First Amendment right of free association. The U.S. Supreme Court has held that the introduction of evidence of one's gang affiliation when it has no bearing on the crime that one is accused of committing, it violates due process of law. That is just the case where Mr. Shatner, is concerned his alleged gang affiliation has nothing to do with the crime he was charged with and thus should not have been allowed in as evidence at his sentencing hearing, especially when there was no corroboration whatsoever to the claims made by the ex-cell mate of Mr. Shatner. In fact Officer Arocho a Cook County Corrections officer stated that there was nothing about gang activities or affiliation or Disciplinary reports concerning gang activities regarding Mr. Shatner, that he knew of. It is clear on the face of the record that Mr. Shatner's Due Process rights were violated concerning this evidence being admitted and the only recourse to correct such an error is that a new sentencing hearing be ordered for Mr. Shatner. This issue as well as all sentencing issues must be viewed as if Governor Ryan had taken no action at all. Because had these errors not occurred there is a high probability that he would not have been sentenced to Death.

The Illinois Supreme Court made unreasonable findings of fact and unreasonably applied clearly established Federal and State law in concluding that Mr. Shatner was not entitled to relief on Ground #8

(I) Ground #9

Mr. Shatner, was denied the free exercise of his religion when the State introduced his worship in the Cook County Jail as aggravating evidence at his Death Penalty hearing. The State also erroneously commented on it during closing arguments in violation of the First Amendment of the United States Constitution and Article One, Section Three of the Illinois constitution. Furthermore Mr. Shatner, was also denied effective assistance of trial Counsel where Trial Counsel failed to object to this evidence being allowed. This violated Mr. Shatner's Sixth and Fourteenth Amendment rights under the United States Constitution, as well as Article One Section Eight of the Illinois Constitution.

Supporting Facts:

The State portrayed Mr. Shatner, as a man who worshipped Satan and believed in deadly violence. This could not be farther from the truth. Mr. Shatner's religion ~~was~~ called Wicca, it is recognized as a religion under the First Amendment to the United States Constitution. For the State to mislead the Court in such a way as to totally misstate what Mr. Shatner's religion consists of violated Mr. Shatner's due process rights. Mr. Shatner's trial Counsel failed him yet again when he did not object to this evidence being introduced, even though Mr. Shatner had told his Trial Counsel that the State's Attorney was wrong when he stated that Mr. Shatner, worshiped Satan or that his religion was steeped in violence. Mr. Shatner's, Trial Counsel was further ineffective when he did not investigate what deals or incentives they provided in exchange for the testimony of Mr. Liu. When view as a whole this whole phase of the sentencing hearing violated Mr. Shatner's rights on many levels. So much so that the State used his religion against him at sentencing. which in itself is bad enough, but for the Trial Court to admit into evidence completely false, misleading, inflammatory, & inaccurate was a error of such magnitude it cries out to this Honorable Court to correct this injustice, Mr Shatner, was denied his Constitutionally protected rights during his sentencing hearing and now prays that this Honorable Court will now correct these errors and order a new sentencing hearing. This issue

is not moot because of the actions taken by Governor Ryan.

The Illinois Supreme Court made unreasonable findings of fact and unreasonably applied clearly established Federal and State law in concluding that Mr. Shatner was not entitled to relief on Ground #9 (Petitioner is now a Rosecrucian, Christian)

(J) Ground #10

The sentencing court erred reversibly by using Mr. Shatner's drug abuse history solely as an aggravating factor without any mitigating dimension or value. Thereby violating Mr. Shatner's, Eighth and Fourteenth Amendment rights guaranteed to him under the United States Constitution.

Supporting Facts:

The sentencing Court stated that Mr. Shatner's, history of drug abuse was evidence of felony conduct, and constituted aggravation. It is clear by the record that the Trial Court allowed personal feelings about drug use to seep into Mr. Shatner's sentencing hearing. Quoting the Trial Court, "today somehow people are twisting that around to make it some type of mitigation. Well, the use of drugs in an of itself is a felony. And I can't see how it would be mitigation." this statement by the Trial Court shows his mind was already made up when it came to this evidence. Mr. Shatner, did not have a chance at a fair hearing on this evidence and thus was denied equal protection and due process. Drug use is a mitigating factor because it can be used to explain although not excuse the conduct at issue. Mr. Shatner, agrees that drugs are illegal and that has a aggravating effect to a degree, however that does not negate the possibility of mitigation either, but the Trial Court made it very clear by its comments that it was not going to consider mitigation regarding drug use at all. Moreover, under the Eighth Amendment's cruel and unusual punishment clause, the sentencer must consider the mitigation offered by the capital defendant. So when the Trail Court ignored the mitigating value of Mr. Shatner's Cocaine use and drug abuse history, the Trail Court embarked down of arbitrariness in sentencing that is forbidden by the cruel and unusual punishment clause of the Eighth Amendment of the United State Constitution.

(K) Ground #11

Mr. Shatner, was denied effective assistance of Trial Counsel, in that his Trial Counsel was addicted to drugs and was said to have been using before, during, & after Mr. Shatner's trial and sentencing. A clear violation of Mr. Shatner's United States and State of Illinois Constitutional rights. (ineffective assistance of appellate counsel for failure to raise)

Supporting Facts:

Mr. Shatner, has just recently been made aware of his Trial Counsel's long history of drug abuse. It was Trial Counsel's Brother-in-law who contacted Mr. Shatner's family with the following information. Trial Counsel's Brother-in-law, Mr. Thomas F. Sheehan, related the following information to an investigator by the name of Mort Smith, who has secured a Affidavit from Mr. Sheehan, that states the following but not verbatim. That he had known Michael G, Charonis, Mr. Shatner's Trial Counsel, since 1972 that they were personally close. That is until Mr. Charonis' suicide in 2001. Mr. Sheehan States that Mr. Charonis, was a very hard working accomplished attorney until he began to use drugs, it was around 1980. That throughout 80s Mr. Charonis' drug habit & abuse became much worse. Mr. Sheehan, had first hand knowledge of not only this drug use but the effect it was having on Mr. Charonis' law practice this knowledge was learned by way of clients of Mr. Charonis, as well as legal assistants who worked with Mr. Charonis. During the time Mr. Charonis, had received many reprimands from different judges for not being prepared at trial or for seeking excessive amounts of continuances. Mr. Sheehan, states that more more tan a few clients of Mr. Charonis, had found themselves when Mr. charonis, would withdraw from their case when additional fees he requested over and above what was agreed to were not forth coming, this extra money was needed by Mr. Charonis, to continue supporting his ever growing drug habit. Mr. Sheehan, states that by the late 1980^s, Mr. Charonis was using most of his law practices income to support his ever growing drug habit, as well as trips to strip bars and sex clubs, this behavior was witness at times first hand by Mr. Sheehan. Mr. Sheehan

also witnessed first hand on many occasions Mr. charonis', drug use both while they were out together and in both their homes as well. Mr. Sheehan, states that by the early 1990^S, Mr. Charonis' behavior had become very erratic, and that his drug use now included the abuse of barbiturates, along with the use of cocaine, and alcohol. Mr. Charonis', legal practice had all but evaporated, Mr. charonis, fell into bankruptcy, Mr. Charonis, even lost his home and had to move his family several times from apartment to apartment. Mr. Sheehan, further states that Mr. Charonis, was using drugs on a daily basis throughout 1993, that because of this drug usage he was seriously impaired due to his drug use. BY 1995-1996, Mr. Charonis' health declined and Mr. Charonis had fallen into a deep depression. Mr. Sheehan stated that Mr. Charonis' drug use continued throughout this time period. from 1996 through 2000 Mr. Charonis' life spun out of control, it became one of inactivity and a deeper depression continued, in late 2000 Mr. Charonis, barricaded himself in his home and discharged a firearm, the Cook County Police Swat team and Oak Park Police had to evacuate neighbors, and Mr. Charonis was taken into custody. While charges were pending concerning the aforementioned incident were pending Mr. charonis took his own life with a gun shot wound to the head. With the statement of Mr. Sheehan, along with what the record shows it is now clear as to why Mr. Shatner, received substandard, inadequate, negligent, ineffective assistance of Trial Counsel. As asserted in prior Grounds in this petition Mr. Shatner's Trial Counsel, failed him at many turns in his proceedings from the the beginning of trial through conclusion of sentencing, this new information explains fully the actions of Mr. Shatner's Trial Counsel and why Mr. Shatner's Constitutionally protected rights were violated over and over again.

(L) Ground #12

Mr. Shatner's Appellate Counsel was Ineffective when the information provided by Mr. Shatner, to Appellate Counsel was not used to support his Appeal claims of ineffective assistance of Trial Counsel. Mr. Shatner's Constitutional rights were

violated. as were his Illinois Constitutionally protected rights stating that he was to receive effective assistance of counsel.

Supporting Facts:

Mr. Shatner, provided Appellate Counsel with an affidavit that states the following but not verbatim. That Mr. Shatner's Trial Counsel did not fully explain the function of a jury for sentencing, is so much that all it would be for one jury member to vote no on the issue of sentencing Mr. Shatner, to death to spare his life. Furthermore Mr. Shatner's, Trial Counsel rushed Mr. Shatner, to sign the jury waiver by telling him that he knew the judge for 18 years and that the judge was not going to sentence him to Death. With the new evidence that has just come into Mr. Shatner's possession there is now an explanation as to Trial Counsel's behavior and why he provided ineffective assistance to Mr. Shatner, and why he seemed to be so interested in just ending the trial as fast as possible. Mr. Shatner, should not be punished for the misdeeds of his Trial or appellate Counsel. Mr. Shatner's Due Process Constitutionally protected rights were violated and he should be granted a new sentencing hearing at the very least. Furthermore Mr. Shatner, prays that this Honorable Court will look at this and all his Grounds without considering what Governor Ryan did by removing all Illinois Offenders from death row before he left office, because, had Mr. Shatner's sentencing hearing been Constitutionally correct Mr. Shatner, would not have been sentenced to Death.

(M) Ground #13

Mr. Shatner, has newly discovered evidence of a scientific nature. Since Mr. Shatner's conviction and Death sentence, there have been many new advances in the scientific community that in the interest of justice require Mr. Shatner, to receive a new sentencing hearing not only regarding, Mr. Shatner's mental culpability, but his rehabilitative potential as well.

Supporting Facts:

Mr. Shatner, wishes to have new scientific evidence introduced showing that the human brain has now been mapped in such a way to show that the average human brain does not

fully till 24 or 25 years old. Mr. Shatner, relies on two studies that have just recently came into Mr. Shatner's possession. The first being sent on December 2, 2011 from H. Kent Heller, Attorney at Law, it is a article from the Dartmouth New dated February 6, 2006. it states that there are significant changes in the brains structure well after the age of 18 (Mr. Shatner, was only 19, at the time of the crime.) the study touches on the issues that humans now appear to reach mature adulthood much later than first thought. Secondly in a article from the October 2011 issue of National Geographic titled "The New Science of the Teenage Brain." starting at page 37 and completing on page 59. The article highlights how The brain undergoes a massive reorganization between the 12th. and 25th year of growth. This knowledge was obtained by a study completed by the National Institutes of Health where 100 young people were studied during the 1990^s as they grew up. what the study found was with the aid of new imaging tools they were able to map out parts of the brain like never before, what they found was amazing. the brain's axons, the long nerve fibers that neurons use to send signals to other neurons, become gradually more insulated with a fatty substance called myelin, eventually boosting the axon's transmission speed up to a hundred times. When this development proceeds normally, we get better at balancing impulse control, desire, goals, self-interest, rules, ethics, and even altruism, generating behavior that is more complex and sometimes at least, more sensible. But at times, and especially at first, the brain does this work clumsily it is hard to get all those new cogs to mesh. In essence there is much we are learning about how a brain grows and matures, and are still learning. In Mr. Shatner's case there is ample evidence that shows there were some very serious mental issues going on with him throughout his whole life and even more so as a teenager. In light of this new evidence on how the brain continues to grow and mature well past the teenage years and given Mr. Shatner's health issues both physical and mental, a full and complete hearing is required where evidence can be presented to support this claim. Mr. Shatner, is at a huge disadvantage at this point because he is not a attorney,

nor can he afford to hire one. He has no way of investigating this claim any further, nor does he know how to petition to have the medical scans done on his own brain to show what damage if any is there. It is Mr. Shatner's belief that damage does exist, not only now but with the new imaging tools He believes that the damage will be able to be traced back to before the date of the crime. Which would greatly provide more evidence to show a new sentencing hearing is warranted in the interest of justice, because overwhelming evidence will then exist in mitigation and cry out for a new sentence other than Death or Natural Life. Since this New evidence did not exist when Governor ryan choose to commute all Death Sentences in Illinois to Natural Life, this is not moot issue because no one can say what Governor Ryan's decisions would have been had he been in control of such mitigating evidence. Therefore Mr. Shatner prays that this Honorable Court advances this petition for further proceedings.

(N) Ground #14

Mr. Shatner, was denied his Due Process Right to a fair trial.

Supporting Facts:

Mr. Shatner was denied his Constitutionally protected Due Process rights to a fair and impartial Trial of Fact. The Trial Judge had a clear cut bias against drug users as made evident by his comments about drug use. In Mr. Shatner's, case he stated he did not believe he was high or the amount of drug use on the day of his arrest where Mr. Shatner, made a statement. Yet spoke at Mr. Shatner's, sentencing hearing about how Mr. Shatner, was using drugs and was high the day he was arrested which was a felony. Now the Trial Judge can not have it both ways. Mr. Shatner's Trial Counsel was ineffective for allowing this clear cut bias error to go unchallenged, his Appeallate Counsel was ineffective for not raising this issue on direct as was his Post Conviction Counsel and Post Conviction Appeallate Counsel. For petitioner to be sentenced to death or life based on such a condrediction by the trial court is a miscarriage of justice and must be addressed, either petitioner was hige on drugs the day of his arrest and the statement should of been dismissed, or he was not on drugs & not be sentenced to death!

2. Have all grounds raised in this petition been presented to the highest court having jurisdiction?

Yes () No (XX)

3. If you answered "NO" to question (2), state briefly what ground were not so presented and why not:

Ground #11, was not presented because Mr. Shatner, has just recently come into newly discovered evidence to support this Ground.

Ground #12, was not presented because Mr. Shatner, was denied effective assistance of appellate counsel.

Ground #13, was not presented because Mr. Shatner, has just recently discovered this new evidence to support this ground

Ground #14, was not presented because Mr. Shatner, was denied effective assistance of appellate counsel, post conviction counsel, & appellate post conviction counsel.

PART IV – REPRESENTATION

Give the name and address, if known, of each attorney who represented you in the following stages of the judgment attacked herein:

- (A) At preliminary hearing N/A
- (B) At arraignment and plea Danniel Mangeameli
- (C) At trial Michael G. Charonis
- (D) At sentencing Michael G. Charonis
- (E) On appeal Kim Fawcett
- (F) In any post-conviction proceeding William Barnett, John Greenlees, Marshal Hartman
- (G) Other (state): Thomas Peters, Amended Post Conviction, And Appeal of Post Conviction Petition

PART V – FUTURE SENTENCE

Do you have any future sentence to serve following the sentence imposed by this conviction?

YES () NO (**XX**)

Name and location of the court which imposed the sentence: _____

Date and length of sentence to be served in the future _____

WHEREFORE, petitioner prays that the court grant petitioner all relief to which he may be entitled in this proceeding.

Signed on: 12-14-2011
(Date)

Signature of attorney (if any)

I declare under penalty of perjury that the foregoing is true and correct.

Dannin Spatner
(Signature of petitioner)

B-42950
(I.D. Number)

Box 1000 Minard, IL 62259
(Address)

AFFIDAVIT OF THOMAS F. SHEEHAN

I, Thomas F. Sheehan, first being duly sworn, state the following under oath and the penalty of perjury:

1. My name is Thomas F. Sheehan and I am 66 years old.
2. I live at 1100 N. Linden, Oak Park, IL 60302.
3. I am the brother-in-law of Attorney Michael G. Cheronis.
4. I had known Michael since 1972 and had been close with him on a personal basis until his suicide death in 2001.
5. Michael was an accomplished, hard working attorney until he began to experiment with hard drugs in 1980. Throughout the 80's it became obviously worse as the years went on.
6. I personally knew many of Michael's former clients as well as his legal assistant in his office and learned firsthand how the drug usage was affecting his practice.
7. Many of the judges he appeared before reprimanded him for excessive requests for continuances or for not being prepared at trial time.
8. More than a few of Michael's clients found themselves without representation when Michael would withdraw from the case when additional fees he requested were not forthcoming.
9. By the late 1980's Michael was spending the money he received on drugs and in strip bars and sex clubs in the suburban area. In some cases I saw this behavior firsthand.
10. I also witnessed Michael using drugs on many occasions while we were out together, or in his home or in my home.
11. By the early 1990's his behavior had become very erratic, and the drug usage now included barbiturate abuse in addition to the cocaine and alcohol.
12. His legal practice had all but evaporated. He fell into bankruptcy and lost his home and had to move his family into a series of rental apartments.
13. Although I do not personally know Darrin Shattner, I can absolutely attest to the fact that during the period of time Michael represented Mr. Shattner, Michael was seriously impaired due to his drug usage on a constant basis. By 1995/1996, Michael's health declined and Michael fell into serious depression. Unfortunately, his drug and alcohol use continued.
14. From 1996-2000, Michael's life became one of inactivity and further depression. In late 2000 he barricaded himself in his home and discharged firearms. The Cook County Swat Team and the Oak Park Police had to evacuate neighbors and take Michael into custody.
15. While this case was pending, Michael shot himself in the head on January 2, 2001.

16. I am providing this affidavit freely and voluntarily. No one has given me and reward for this affidavit. No one has forced me to provide this affidavit. I do not know any of the particulars of Mr. Shatters' case and have no opinion as to his guilt or innocence.

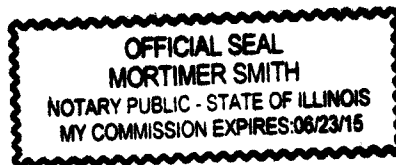
17. I do know, however, that during the time Michael represent him, Mr. Shattner received inadequate representation because of Michael's condition and behavior.

The contents of this affidavit are true and accurate to the best of my knowledge and recollection. If called upon to testify, I could do so competently. Further affiant sayeth not.

Signed Thomas & Cheek

Subscribed and sworn to before me this 7 day of December, 2011

Notary Public [Signature]



Newsome, Karen

Newsome, Helen

In the Circuit Court of Cook County

PEOPLE OF THE STATE OF ILLINOIS,)
)
-vs-)
)
DARRIN SHATNER,)
)
Petitioner.)

AFFIDAVIT OF KAREN NEWSOME

I, Karen Newsome, being duly sworn state the following under oath:

1. Darrin Shatner is my maternal cousin. Darrin's mother, Dorothy Newsome, and my father, Daniel Newsome are biological siblings.
2. I currently live in Algonquin, but will be moving to California in the near future.
3. Darrin's lawyer, Michael Cheronis, didn't ask me to testify on Darrin's behalf until the day of his sentencing hearing. We (Darrin's family) didn't know what we were supposed to do. I attended Darrin's trial every day and his lawyer had several opportunities to meet with me to discuss my testimony. Unfortunately, his lawyer waited until the day of Darrin's sentencing hearing and I wasn't prepared and would have liked to have said a lot more on my cousin's behalf.
4. Darrin is like a brother to me, he and I have always been really close. I love all of Darrin's qualities. He is a very caring and loving person.
5. Darrin was an only child and was picked on by everyone in the family and I didn't like the way he was treated. I've heard stories from other family member about how Darrin used to be slapped down by his parents for doing the normal things children do.
6. Darrin's mother was always busy and didn't make time for Darrin. I believe she was too young and wasn't cut out to be a mother.

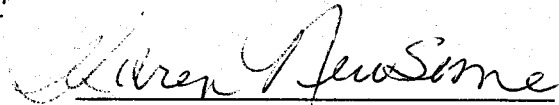


7. Darrin's father was too busy trying to make money and never seemed to care about his son. His father was always promising things to Darrin but wouldn't follow through on his promises.
8. Darrin and I lived with our grandmother, Agnes Bently, in Kentucky for one summer when we were teenagers. Our cousin's Basil and Can also lived there for part of the summer. I was having difficulties with my parents and Darrin was having problems with his.
9. When we were living in Kentucky I can vividly recall how no one called Darrin on his sixteenth birthday. Neither of his parents called him, nor did our grandmother acknowledge Darrin's birthday. I felt very sorry for him. It was sad that his parents didn't care enough to call and wish their son a happy sixteenth birthday.
10. I knew Darrin was sniffing glue when he was younger. I never directly saw Darrin do it but I'd see him with the rag (used for sniffing) and could tell by his behavior that he was on something. Darrin would act "out of it" and I could smell the glue and/or paint on him.
11. I lived with Darrin's mother, Dorothy and her husband, Mark, when I was about nineteen years old. Darrin was living at one of his father's buildings. Darrin didn't get along with his stepfather. I think Darrin was jealous of him because he wanted his mother's attention. Darrin eventually moved back in with his mother and stepfather and I moved out because Mark didn't want us both there.
12. I recall one time there was some money taken from our grandmother and she blamed Darrin. Everyone else knew it was out cousin, Can, because he stole everything, but as usual, Darrin was blamed for everything.
13. I have remained in contact with Darrin since his incarceration and visit him when I can.
14. In my opinion, Darrin's attorney didn't do anything. The prosecution portrayed Darrin as a monster and his attorney failed to do anything to show this wasn't the case. I have never known Darrin to pick a fight. He was always a gentle giant, really positive and very charming.



15. I was in the room when Darrin's son, Dustin, was born. He was born March 31, 1991. Darrin's mother and I use to take Dustin and my son to visit Darrin when he was at Pontiac. During these visits, I observed Darrin to be a very attentive and caring father. Darrin use to let Dustin sit on his lap while he was playing chess and card games with my son. Darrin is really good around children and has always been very loving towards Dustin and my son. Darrin has expressed to me that he wants the best for Dustin and want him to make the right choices and do well in his life. Darrin loves and adores Dustin and Dustin loves his father very much.
16. I have never believed Darrin was solely responsible for this crime and feel that his attorney, and the State, failed Darrin by refusing to investigate this case in it's entirety.

FURTHER AFFLIANT SAYETH NOT


Karen Newsome

SWORN to and SUBSCRIBED in my presence
This ____ day of ____ 2003.



**HARRY E. GUNN, Ph.D.
PSYCHOLOGIST**

20860 CORINTH RD. OLYMPIA FIELDS, ILLINOIS

PHONE (708)748-5889

PSYCHOLOGICAL REPORT

NAME: Mr. Darrin Shatner

Date: 4/9/98

Birthdate: 7/12/67

Age: 30

Tests: WAIS-R, Bender-Gestalt Test, KFD, Rorschach, TAT

Observations: Mr. Shatner was a tall, husky, neatly dressed, good looking man who was immediately friendly and cooperative. He stated that he felt very good being out of his cell and having a challenging set of tasks. He denied depression but he laughed too much in order to hide his depression. He later admitted to that fact. He did relate exceptionally well to the test materials.

Mr. Shatner always related well to this examiner and is able to show warmth. He gave background information readily. He stated that he still longed for a close relationship with his mother. He described her as "warm one day, cold and angry the next". He added that he had felt worthless when his mother had thrown him out because of a boy friend. He spoke about his running away a lot because he felt his parents did not care about him. He said his mother often hit him hard but "dad was the real abusive one". Mr. Shatner mentioned having gone to many different schools, and said he had an embarrassing learning disorder mainly with spelling.

Mr. Shatner did speak about the killing that led to his incarceration. He claimed that he had never used coke IV and was not prepared for the reaction. He said that a girl that he just met and liked talked him into it. It was her idea to rob the person that was later killed. Mr. Shatner said he was so high on drugs he hardly "had any judgement left but I was not the one who killed that guy."

Test Results: Mr. Shatner was given the Wechsler Adult Intelligence Scale - Revised, and he earned a Verbal IQ of 96, a Performance IQ of 108, and a Full Scale IQ of 100. The latter indicates average ability.

The scaled scores are as follows:

VERBAL TESTS

Information	- 9
Digit Span	- 8
Vocabulary	- 12
Arithmetic	- 6
Comprehension	- 13
Similarities	- 10

PERFORMANCE TESTS

Picture Completion	- 12
Picture Arrangement	- 11
Block Design	- 15
Object Assembly	not given
Digit Symbol	- 7

Mr. Darrin Shatner

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The major weakness is in the use of symbols, i.e. arithmetic and Digit Symbol. There were also indications of weak abstract thinking and problems with many of the angles on diamond figures. All told there are soft signs of neurological impairment. Considering the severe substance abuse and head injuries, plus signs from testing, a neuropsychological examination is recommended.

With the family drawing there were indications of a great need for a relationship with much dependency. However, in general, family members are too afraid to be close to allow it to happen. They are literally stuck in mud and can not get away or get closer to one another.

Mr. Shatner did an extremely good job relating to the Rorschach Test. He shows an abundant fantasy life and an ability to be cooperative. He does present indication of some distortion of external reality but not to the point of psychosis. There is great evidence of severe depression but he covers this up with bravado.

Mr. Shatner has a great deal of conflict regarding his self concept and his pattern for relating to others. Above all he has extremely strong dependency needs and in particular he wants to be controlled by a female. After all these years he is still seeking a mother. He associates mother's acceptance with being hurt and he is prepared to harm himself if that will bring support from a woman. Clearly Mr. Shatner has always been easily controlled by women. He knows his dependency and resultant helplessness and is also prone to take flight at times. He can relate with rather intense warmth but his suspiciousness can also disrupt his relationships.

Mr. Shatner's conscious controls are a fair strength but his unconscious controls are weak. He periodically suffers strong depressive mood and then feels a push to act out. He has used drugs because with consciousness dimmed he can feel a little less empty. He can be self destructive but hostile acts towards others are unlikely unless under drug influence or directed by a significant woman.

The diagnostic pattern then is one of Major Depression with slight psychotic features, 296.34. (Axis 1). The Axis II is Dependent Personality, 301.6. There are also features of the Borderline Personality, 301.83. The latter include the constant feeling of abandonment, impulsiveness, transient stress-related paranoid ideation, idealization of certain others, and in particular - identity disturbance.

Rorschach responses plus the TAT stories indicate a constantly changing relationship with his mother. She ran from warm to cold to very angry but she gave enough warmth at times for her son to find breaking away difficult. There are also suggestions that he may have experienced homosexual abuse. He shows suicidal ideation, he feels incomplete without a woman in his life, he can be easily dominated by a woman and he seems to have abuse but not support from his father.

Summary: A neuropsychological exam is recommended as there are soft neurological indicators which would potentially indicate brain injury. Therefore, it is imperative to

TOTAL P.04

Mr. Darrin Shatner

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rule out neuropsychological damage. I recommend an evaluation by a neuropsychologist. There is much evidence to suggest that Mr. Shatner did not have any intent to commit murder when the crime took place. Given his personality if he allowed the lady he was with to initiate him into IV drugs he would not have been aware of what was taking place. His description of being dominated by the lady presents fits his personality as seen during this examination. He has massive dependency needs and great identity confusion. He would be easily by a female. Considering his lifetime of abuse it would have been very easy for a female to have control over him and to direct him into negative behavior.

Harry E. Gunn Ph.D.

Harry E. Gunn, Ph.D.

In the Circuit Court of Cook County

PEOPLE OF THE STATE OF ILLINOIS,)
)
-vs-)
)
DARRIN SHATNER,)
)
Petitioner.)

AFFIDAVIT OF HELEN NEWSOME

I, Helen Newsome, being duly sworn state the following under oath:

1. I am Darrin Shatner's aunt by marriage. I married Darrin's maternal uncle, Daniel Newsome. We have been married for 37 years and have three children; Karen Newsome, Danny Newsome, and Christy Newsome.
2. For the past twenty-five years I have resided at 6 N. 061 Keeney Road in Roselle, Illinois.
3. I was willing and able to testify on Darrin's behalf at his trial and sentencing hearing. I attended both and was easily accessible to his lawyer. However, Darrin's lawyer, Michael Cheronis, never asked me to speak on Darrin's behalf. I would have been able to provide insight into Darrin's childhood and upbringing.
4. Darrin's mother, Dorothy Newsome, and his father, Donald Shatner, were extremely young when they had Darrin. Neither Dorothy nor Donald wanted a child at that time.
5. Darrin was a problematic baby from day one. His mother had a very difficult delivery and Darrin was a sick baby. Darrin was colicky and constantly cried. Dorothy took him to several doctors but nothing seemed to help. Darrin's father was arrested shortly after Darrin's birth and was incarcerated for approximately a year and a half. Dorothy was left to raise Darrin on her own during this time.
6. Dorothy was a young mother who didn't know how to raise a child. Darrin was sick a lot and this was very hard on his mother.
7. Pat Ryan, a family friend, was the main person who took care of Darrin. Darrin's parents were always too busy to take care of


Darrin themselves. Darrin was always at the bottom of his parent's priority list.

8. Darrin had a sad childhood. One time I witnessed him being slapped down at the table just for pulling up a chair. Darrin was a baby, *H/N* Probably less than one year old. He was trying to walk at the time.
9. Darrin's parents went on vacation all the time and they never brought Darrin with them. One year it was especially sad because they went to Disneyland and left Darrin at home. This would have been a perfect vacation for a child; unfortunately Darrin was not *H/N* allowed to go. Don & Dorothy were having problems but Dorothy thought they were going to work it when he sold the home.
10. Darrin's parents provided him with material things. However, that was all he got. Darrin never got love or attention.
11. I have heard stories of Darrin being locked in the closet by his father.
12. Darrin was moved around a lot during his childhood. He went from one place to another and was always being shuffled around. One time his mom put him in military school.
13. Darrin and my daughter, Karen Newsome, spent time living together at their grandmother's house in Kentucky.
14. I tried to spoil Darrin when I saw him because I felt so bad for him.
15. We all wish someone would have stepped in and helped Darrin. Instead, no one did anything. It was the time, no one said anything, and you didn't want to get into anyone's business. I have asked myself several times why I didn't say anything. I was young myself and didn't know much more than Dorothy did.
16. When Darrin was in his teens he took his father's car and accidentally smashed it up. He was taken to a hospital in Winnetka. Darrin didn't call his parents because he was afraid of what they would do so he called me instead. By the time I could get to the hospital Darrin his parents had already picked him up. I heard that Darrin's father beat him with his fists and locked him in the closet.
17. Darrin was shuffled around a lot. He didn't get love from any one. The only attention Darrin got was negative attention.

Sometimes negative attention is better than no attention at all. Unfortunately Darrin learned that the only way to get attention from his parents was to get into trouble.

18. On the surface, Darrin's parent's marriage seemed o.k. After they were separated I started to hear all kinds of stories. For instance, on time Darrin's father sent Darrin's mother on vacation and when she got back he had sold the house and all of the furniture.
19. One time Darrin's dad hid in the trunk of Darrin's mom's car. He ended up locking himself in and had to pound on the trunk so she would let him out. She was driving and had to pull over and let him out.
20. When Darrin was a teenager he had his own apartment. His parents gave him an apartment in the apartment complex they owned because neither parent wanted Darrin to live with them.
21. I have heard rumors that Darrin sniffed glue, but I never saw him actually doing it.
22. I witnessed Darrin crawling up to the coffee table and being smacked down and called a little bastard for no reason. Although Darrin was physically abused, I believe he was verbally abused even worse.
23. Darrin's parents were too much into themselves and how much money they could make.
24. I don't know how Darrin's mom would handle having her only child executed. It would devastate her.

FURTHER AFFIANT SAYETH NOT


Helen Newsome

SWORN to and SUBSCRIBED in my presence
This 14th day of April 2002.



Newsome, Dorothy

In the Circuit Court of Cook County

PEOPLE OF THE STATE OF ILLINOIS,)

-vs-)

DARRIN SHATNER,)

Petitioner.)

AFFIDAVIT OF DOROTHY (NEWSOME) (CRUMB) (SHATNER) DUMKE

I, Dorothy (Newsome) (Crumb) (Shatner) Dumke, being duly sworn state the following under oath:

1. Darrin Shatner is my biological son and my only child.
2. I currently reside in Wauconda, Illinois with my husband, Mark Dumke.
3. I was born in Seco, Kentucky on March 2, 1949. My biological parents are Owne Newsome and Agnes (Smallwood) (Newsome) Bentley. My mother and father had seven children together: Daniel Newsome, Christine Newsome, Phyllis Newsome, Carl Newsome, Monroe Newsome, Josie Newsome and myself.
4. My father was a coalminer and died from black lung disease when I was around two years old. My sister, Phyllis Newsome, died from diphtheria around the age of five.
5. Following my father's death, my mother became extremely ill with rheumatic fever and was bedridden for approximately nine months. As a result, my siblings and I were placed in an orphanage and remained there for over one year.
6. My mother (Agnes Bentley) had five more children with her second husband, Earl Bentley: Earl Bentley Jr., James Bentley, Virgie Bentley, Can Bentley, and Basiel Bentley.
7. My mother was educated to the third grade and spent the majority of her life barefoot and pregnant. She had twelve children and three miscarriages. My mother attended Darrin's sentencing hearing. She wasn't asked to testify.
8. My oldest brother, Daniel Newsome, recently retired and moved to Georgia with his wife Helen Newsome. Daniel and Helen have three children: Karen, Christy and Danny. Darrin spent a lot of time with these family members during his upbringing and was extremely close with his cousin, Karen Newsome. Helen and Karen both attended Darrin's sentencing hearing. Karen testified but Darrin's lawyer didn't prepare her for her testimony.
9. My oldest sister, Christine (Newsome) (Kiser) Pena, lives in Maple Park, Illinois. Her first husband, Jerry Kiser, was extremely abusive and would beat her so badly that she

ended up in the emergency room. Jerry Kiser is a recovering alcoholic who has been in and out of jail over the past 30 years. Christine and Jerry had three children: Daniel, Michael and Jerrie Lynn. Daniel Kiser is currently incarcerated in LaGrange, Kentucky. Jerrie Lynn is incarcerated in Union Grove, Wisconsin. Daniel Kiser has also spent time in jail and is currently living in Kentucky. Christine divorced Jerry Kiser and is currently married to John Pena. Christine and John have two children: Matthew and Shawn. Christine, Jerrie Lynn, Mathew and Shawn all attended Darrin's sentencing. None were asked to testify on his behalf.

10. My sister, Phyllis Newsome, died when she was five years old from diphtheria.
11. My brother, Carl Newsome, was in a serious motorcycle accident several years ago that put him in a coma for approximately 30 days. Carl suffered severe brain damage. He currently lives in Indiana and is an alcoholic. Carl is married to Lucille and they have one child together, Carl Newsome Jr.
12. My brother, Monroe Newsome, lives and works at Sunset Ridge in Illinois. Monroe was married to Mary and had two children: Lilly and Sandy. Monroe divorced Mary and married a woman named Ester and they have one son, Pat Newsome.
13. My sister, Josie (Newsome) (Madison) Thornhill, married Barney Madison when she was fifteen years old, and had two children, Buck Jr. and Junior. Barney Madison was an alcoholic and died from cirrhosis of the liver. Josie later married Buck Thornhill. Josie knew Darrin well and witnessed a lot of the abuse he endured.
14. My half brother, Earl Bentley Jr., lives in Kentucky. Earl is an alcoholic. Earl was married to Diane and had two children, Kenneth and Anthony.
15. My half brother, James Bentley, lives in Florida. James knew Darrin well; Darrin lived with him in Florida. James was married to Carol and they had three children together: Dorothy, Kim and Misty. James and Carol are divorced.
16. My half brother, Basiel Bentley, lives in Kentucky. Basiel is an alcoholic and abuses cocaine. Basiel has never been married but has a daughter named Anna. Basiel attended Darrin's sentencing but wasn't asked to testify on Darrin's behalf. Darrin spent a lot of time with Basiel while he was growing up and could have informed the judge about Darrin's upbringing.
17. My half brother, Can Bentley, lives in Kentucky. Can was married to Mary and they have a son named Mark. Can and Mary were divorced. Can is currently married to a woman named Martha and they adopted one child, Shanda. Shanda was my foster child for almost one year.
18. My half sister, Virgie (Bentley) (Moore) Voss lives in McHenry, Illinois. Virgie married Eddie Moore but they divorced. Virgie later married Rick Voss and had three children: Travis, Savanna and Kaylee. Virgie and Rick attended Darrin's sentencing hearing but were not asked to testify.

19. Growing up, my mother wasn't a very loving woman. She was very strict and didn't allow us to go anywhere or do anything. She was meticulous with her house, she even pressed and ironed the bed sheets.
20. My stepfather, Earl Bentley, sexually molested my sisters, Christine and Josie and myself while we were growing up. Earl used to peep on use, show us his penis and come to our bed at night and sexually fondle us. If our mother saw him in our room he would tell her he was covering us up with blankets. My sisters and I have talked about this sexual abuse. Josie told me that Earl used to show her his penis and peep on her when she was bathing. He also used to follow her to the outhouse and would put his penis through one of the holes in the wall while she was using the bathroom. He didn't bother me as much as he did Josie, she was bigger busted and he mainly went after her.
21. My mother and stepfather treated the Newsome children poorly in comparison to the Bentley children. The Newsome children were expected to miss school in order to take care of the Bentley children and would spend our days changing diapers, bringing in coal, cooking and cleaning for them. In addition, my mother and stepfather used to take the Bentley children on vacation and leave Newsome children home alone for days on end. I remember one occasion, when I was around five or six, being home alone with no food and having to go to the store and get food on credit. We were beaten later when our parents found out about it
22. Earl Bentley was physically abusive towards us. On one occasion, I was sitting on the front porch playing with my "Etch-a-sketch" and my mom came home with the groceries. Earl walked up to me and took the game away and hit me over the head with it, causing it to shatter into several pieces. He then yelled at me to help my mother with the groceries.
23. Earl and my mother used to whip us with belts and switches. Earl was the one who did the majority of the abuse. Earl once hit Daniel in the face with his fist and knocked his tooth out. We were abused with switches. I have a scar on my leg where I was hit with a thorny switch where the thorns went into my leg when I was a young girl. Back in those days in our "hick" town, no one cared that we were being abused and missing school. No one wanted to get involved.
24. I had a very difficult life growing up. My family was extremely poor. We ate beans and potatoes almost every day and rarely had meat. Earl didn't work and my mother stayed at home to take care of the kids. Earl was a thief. He used to go out at night and steal copper wire and then burn the rubber off and then sell it. For the most part, Earl and my mom lived off the social security check the Newsome children received each month because of the death of our father. They were living off our father's social security check and that bothers me to this day. We were the ones who had to go outside, get the wood and build the fires while everyone else stayed warm. We also were the ones who had to miss school to cook, clean and wash their clothes.
25. I remember standing in a line for low-income families to get peanut butter, cheese and bags of flower. There weren't any holiday meals and we didn't celebrate Christmas because we couldn't afford the food or the toys. The Bentley kids did get something

because they were the babies. Growing up, our ice cream was snow; we'd eat the snow and pretend it was ice cream. Our cousin owned a secondhand store and occasionally allowed my family to come down and pick out some clothing. All of the boys slept in one room and all of the girls slept in another room. Christine, Josie and I shared a bed and I slept in the middle. We used an outhouse and brought in buckets of water to fill up a tub for baths.

26. My older sister, Christine, moved to Chicago when she was a teenager. My older brothers, Daniel, Monroe and Carl also moved to Chicago at a later time. My sister, Josie and I were the last two Newsome children at home and our parents wanted us to leave so we moved to Chicago and lived with our siblings. I was fifteen and Josie was thirteen. I worked and took prep classes for my GED. I made \$57.00 a week and sent \$30.00 of that back to my parents because I felt bad for them and wanted to help them out. Despite what they did to us, we still loved them.
27. I felt cheated out of life. I didn't know any better until I got out of there and saw how normal people live. We were robbed of a normal life and education.
28. I attended school up to the 8th Grade and received my GED when I was around 18 or 19. I later put myself through beauty school and now work out of my house as a licensed beautician.
29. I met Darrin's father, Donald Shatner, in Chicago in 1965 and we were married in October of 1966. I was seventeen and Don was eighteen. I wasn't old enough to get married and required my mother's signature so we drove to Seco, Kentucky, got her signature, and then went to Clintwood, Virginia and were married at the local courthouse.
30. I got pregnant with Darrin shortly after we were married. He was not a planned or wanted pregnancy. His father and I wanted to work and get ahead in life before we had any children. We both came from extreme poverty. I didn't know anything about birth control. No one was allowed to talk about sex in our house, and back then the schools didn't teach you about that kind of stuff.
31. Darrin's delivery was extremely difficult. I was in labor for over thirty hours and required heavy sedation. The doctors used forceps to deliver Darrin and the forceps left scars on his face. These scars are evident in his childhood pictures.
32. Darrin's father was arrested for armed robbery and spent nearly a year in jail when Darrin was just an infant.
33. Darrin was a very sick baby. He was always crying and wasn't easily consoled. Darrin was later an extremely hyper toddler and child.
34. When Darrin was a toddler, he ran a fever of about 105. I couldn't get him to the doctor so I called the pharmacist and he sent over some medication for him.
35. I punished Darrin by slapping him in the face, hitting him with a broom, and hitting him on the head with my hairbrushes. I was physically abusive towards my son. I was

abused as a little girl, and was being abused by my husband, so I guess I just started to abuse Darrin.

36. I called Darrin a "little bastard", a "son-of-a-bitch", and would tell him he was just like his father.
37. Darrin's father called Darrin a "son-of-a-bitch" and told him he was lazy and would never amount to nothing.
38. Darrin wasn't wanted; he was in our way. Darrin's godfather, Pat Ryan, took care of Darrin more than we did.
39. I didn't visit Darrin as much as I should have while he was in his placements. I was working, going to school and my life was crazy at that time. I guess I didn't make time for my son.
40. Mark and I got together around 1982 and were married in 1989. Mark was somewhat jealous of Darrin and Darrin was jealous of Mark. Mark didn't have a great deal respect for Darrin because he was getting into trouble.
41. Don was an evil man and physically abused Darrin and I. Don was also very verbally abusive and extremely jealous. He wanted to lock me up in the house and beat me when I didn't listen to him. I think Don was more obsessed with me than he was in love with me.
42. I was a little like my mother, let the man handle everything. Don beat Darrin and I let him.
43. Don was a jealous man and I was untrue to him. After Darrin was born, Don went to jail and I took job as a waitress and started to secretly date a man I meet at the restaurant. Don attempted to put an explosive device in this man's car and it accidentally went off, seriously injuring Don's hand and significantly damaging the car. A few weeks later, this man's car 'blew up' when he was driving. Fortunately he wasn't seriously hurt. No charges were ever pressed.
44. During one of our fights, Don choked me to the point that I passed out. Don took me to the emergency room and he told me to tell the doctor I fell down the stairs. I was afraid to tell the truth because Don was outside my room. The doctor looked at the x-ray and saw the bruising on my neck and asked me who choked me but I continued to stick to my story.
45. During another fight, Don shot a shotgun over my bed to scare me and left a hole in the headboard above my head. My mom saw the bed with the hole in it. The man was crazy.
46. Once Don beat Darrin badly in the face, and on the head, because Darrin took one of his cars and got in an accident. Darrin was only twelve or thirteen years old. Don had Darrin in our other car and the three of us were driving home and Don took his fist and repeatedly beat Darrin in the face and on the head. I attempted to stop him and he hit

me. It turned out that the car Darrin took had Don's dynamite in the trunk. Don was really upset because he would have gotten into big trouble if the police found it. I think Don kept dynamite as a kind of controlling device. He was a very evil and sadistic man. I left Don for good shortly after this incident.

47. Don and I separated in 1980 and divorced in 1982. The divorce was very messy. We stopped living together after Don sold our house and all of the furniture while I was away. Don had all of this planned. He bought me a ticket to go see my family and while I was gone he finalized the sale. Before I got home, I called to check in and the new owners answered the phone and said they had just bought the house and Don had given them our phone number. When I returned, I discovered that my house, and all of my belonging were gone. Don didn't care that he left Darrin and me on the street. Don had moved in with his girlfriend.
48. After our divorce, Don spent time in the federal prison downtown Chicago for embezzlement.
49. Darrin and his cousin, Jerrie Lynn used to sniff glue together. Jerrie Lynn's mother used to catch them sniffing glue and would tell me. Darrin was around eight or nine when this started.
50. Mark and I caught Darrin sniffing glue when he was living with us. We used to find socks and plastic bags with the glue that Darrin used to get high. I called the McHenry County Police and they came out to the house. They put in him the car and talked with him but didn't do anything else. They told me to call a hotline. We called but nothing happened. If you didn't have money or insurance, you couldn't get any help back then
51. Darrin used to sit in the truck by himself for hours in the driveway. The truck wasn't running and we'd worry he'd freeze to death out there. He must have been sniffing glue because he wouldn't come in the house.
52. Darrin and Jerrie Lynn stole their uncle's car. Darrin was around ten and Jerrie Lynn was around twelve. I remember calling the police and being scared because they were both so young.
53. Darrin and Jerrie Lynn ran away together on several occasions.
54. My stepfather, Earl Bentley, died on August 19, 2001 from cancer.
55. My mother had a stroke on September 29, 2001. The stroke resulted in frontal brain damage. Her left side is paralyzed and she lacks reasoning ability. She's like a child and doesn't really understand what is going on around her. I am her legal guardian and have been taking care of her.
56. Throughout Darrin's trial and sentencing, there were a lot of money issues with Darrin's lawyer. I sent him money every month. He would take my last twenty dollars. I once gave him a check for five hundred dollars and a bar in Oak Park called because they found it on their floor, he must have dropped it there. Darrin's lawyer called me